UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,856	01/25/2002	Edwin Daniel Pratts		4927

7590 09/07/2007

Edwin Daniel Pratts,
Susan Lyn Pratts
500 Prospect St
Lakewood, NJ 08701

EXAMINER	
BAIG, SAHAR A	
ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
09/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/055,856	PRATTS ET AL.	
	Examiner	Art Unit	
	Sahar A. Baig	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt et al. (U.S. Patent No. 6,195,680) in view of Gladstone (U.S. Patent No. 4,914,505).

Regarding Claim 1, Goldszmidt discloses a system **Figure 1A** for transmitting desired digital media and audio signals having at least one custom configured video server **1.7** including a digital video data storage device for storing digital video data **1.1** and a streaming unit reading the digital video data from the digital video data storage device to perform a digital video streaming process on the digital video data **1.2**, said system for transmitting desired digital media and audio signals providing a subscriber with digital video-on-demand service at a request from the subscriber **Figure 4**, comprising: a custom management unit managing the process of each digital video server and determining if spare capacity exists on the digital video server **4.2**; a full screen digital-video-on-demand service with no downloading or buffering unit providing a requested digital video data through a full screen digital video-on-demand service which broadcasts the digital video data stored in the digital video data storage device

along through high speed telecommunication signals, wherein the digital video data is played upon a request of the subscriber **[Col. 3 lines 12-21;** *Features for automatically and gracefully switching clients among multiple servers in the event that a server becomes overloaded or fails. Cases where clients are receiving a continuous multimedia stream and the switching must be transparent to the client and maintain uninterrupted playback of the multimedia streams. When a server fails, its respective client agents detect the failure and automatically switch to alternate servers that continue to provide the client agents with the real-time multimedia streams***];** a service switch determining unit which determines, upon receipt of a request, to watch the selected digital video from the subscriber, whether a selection of the requested video is to be streamed in the full-video-on-demand service or to be downloaded by the distributor of the digital content, depending on management information managed by said custom configured digital video/content server or whether spare capacity exists on the client end user, a broadcast unit broadcasting the requested live digital video by said full video-on-demand service providing unit for the subscriber according to a determination result from said service switch determining unit **[Col. 11 lines 26-29;** *These audio and video files are downloaded from a server and stored at the client before they are played. More recently, streamed audio and video has become available from both stored and live sources on the Web***].** However Goldszmidt fails to teach that the videos may be in a holographic format. In an analogous art, Gladstone discloses a high definition television system that

transmits a hologram of an object to be televised **[Col. 1 lines 39-43].** Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Goldszmidt and Gladstone to provide consumers with a system that transmits 3-Dimensional holographic media over telecommunication lines.

Regarding Claim 2 and 3, the combined system of Goldszmidt and Gladstone disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular, Goldszmidt teaches of a system for transmitting desired digital media and audio signals wherein said **load state management unit manages a number of digital video/content programs being processed by each digital video server;** and said service switch determining unit switches a service for the subscriber from the full-video-on-demand service to the broadcast-on-demand service when the requested broadcast is newly broadcasted and the number of the video programs managed by said load state management unit exceeds a predetermined bandwidth **[Col. 5 lines 55-64;** *Each instance of the streaming process begins with a client agent 1.8 connecting to the control server 1.1 requesting the multimedia stream. The control server then assigns and redirects the client to one of the streaming servers in either of the two groups (1.5, 1.6). The assignment can be based on a conventional round-robin approach or based on some load-balancing heuristics. For example, the server 1.1 can redirect the client 1.8 to a streaming server*

based on a weighted round-robin approach, or to a streaming server having a lowest utilization rate].

Regarding Claim 4, the combined system of Goldszmidt and Gladstone disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular, Goldszmidt teaches of a system wherein said load state management unit manages the number of current subscribers to each video whose data is stored in the digital video data storage device in each custom video server **[Col. 1 lines 17-20;** *multiple servers can be used to provide the same multimedia stream to a large number of clients. Clients are directed to one of a multiplicity of servers to obtain the multimedia stream in real-time*]; **and** said service switch determining unit switches a service for the subscriber from the full-video-on-demand service to the live broadcast-on-demand service when the requested video is newly broadcast and the number of the subscribers managed by said load state management unit exceeds a predetermined threshold **[Col. 1 lines 17-20;** *the client agent 3.5 may monitor the effective bit rate of the stream. If the bit rate falls below a given threshold, the connection to the server 3.2 can be considered to have failed. As a result of this failure, the client agent 3.5 can send a message 3.10 to the control server 3.1, requesting to be switched to an alternate server*].

3. Claim 5 –14 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt et al. (U.S. Patent No. 6,195,680) in view of Gladstone (U.S. Patent No. 4,914,505), in further view of Imajima et al. (U.S. Patent No. 6,211,901).

Regarding Claim 5, the combined system of Goldszmidt and Gladstone disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. However, both Goldszmidt and Gladstone fail to clearly describe the capability of the broadcasting unit to stop the video according to management information managed by said subscriber number management unit when it is determined that no subscriber is watching the video being broadcast in the live broadcast-on-demand service. In an analogous art, Imajima discloses a video on demand system where broadcast is stopped once its detected that no subscriber are watching the program **[Col. 7 lines 30-33;** *When the broadcast unit 3 determines, according to the management information from the audience number management unit 11, that there are no subscribers watching the program being broadcast in the NVOD, it stops the broadcast of the program***].** Therefore it would have been obvious to one of ordinary skill in the art to modify the systems of Goldszmidt and Gladstone to include the means for stopping broadcast when an absence of subscriber is detected.

Regarding Claim 6 and 9, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system **Figure 3**

wherein a title/author selection control unit providing an interactive inputting operation for selecting a title of a video or media content requested and displayed on a monitor of a receiving terminal device on a subscriber side in a same format in the full-video-on-demand service and the live broadcast-on-demand service.

Regarding Claim 7 and 8, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that further comprises a subscriber storage unit storing a list of subscribers when a video is to be broadcast after being switched to the broadcast-on-demand service by said service switch determining unit and when another subscriber issues a request to watch the video during the actual broadcast of the video after switching to the live broadcast-on-demand service, wherein said broadcast unit provides said list of subscribers stored in said subscriber storage unit with the video in the live broadcast-on-demand service **[Col. 7 lines 55-64;** *a subscriber storage device 21 in addition to the load state management unit 1, service switch determining unit 2, and broadcast unit 3. The subscriber storage device 21 stores a list of subscribers requesting a video program when the service is switched by the service switch determining unit 2 to the NVOD service, and when a subscriber requests to watch the video program after the switch and before the actual*

broadcast of the program. The broadcast unit 3 also provides the NVOD service to the users stored in the subscriber storage device 21]**.**

Regarding Claim 10, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that comprises: a first service switch determining unit determining, upon receipt of a request to watch a video from the subscriber, whether a broadcast of the requested video is to be serviced in the full-video-on-demand service or the live broadcast-on-demand service depending on management information managed by said load state management unit including whether spare capacity exists on the custom configured digital video server as determined by said load state management unit **[Col. 4 lines 21-42;** a second service switch determining unit determining, upon receipt of a request to download a video from the provider, whether a broadcast of the requested video is to be downloaded by the specific user a broadcast unit broadcasting the requested video by said full-video-on-demand service providing unit or said live broadcast-on-demand service providing unit to the subscriber according to a determination result from either said first or second service switch determining unit **[Col. 20 lines 47-58;** *The video data distributing device according to claim 1, wherein said load state management unit manages a number of current subscribers to each video whose data is stored in the video data storage device in each video server; and said*

service switch determining unit switches a service for the subscriber from the full-video-on-demand service to the near-video-on-demand service when the requested video is newly broadcast and the number of the subscribers managed by said load state management unit exceeds a predetermined threshold].

Regarding Claim 11, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that comprises: a service information broadcast unit broadcasting various service information to the subscriber after switching by said service switch determining unit a broadcast of a video from the full-video-on-demand service to the live broadcast-on-demand service until an actual broadcast of the video starts **[Col. 22 lines 11-19]**.

Regarding Claim 12, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that comprises: determining, at a request from a subscriber for a full video-on-demand service, whether or not video data can be provided in a full-video-on-demand service which broadcasts the digital video data stored in the digital video data storage device along high speed telecommunication signals, wherein the broadcasted digital video data is played upon a request of the subscriber; and

providing the subscriber has the capabilities to have the proper bandwidth in order to retrieve the desired full digital video-on-demand service **[Col. 22 lines 20-35].**

Regarding Claim 13, the combined system of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that comprises: a load state management unit to determine a load and whether any excess capacity exists on said video server by monitoring the number of video programs being streamed and the number of subscribers viewing each of the video programs being delivered; a full-video-on-demand service providing unit providing a requested digital video data through a full-video-on-demand service which broadcasts the video data stored in the video server along a high speed telecommunication signal wherein the broadcasted video data is played upon a request of a subscriber; a live broadcast-on-demand service providing unit providing said requested digital video data through a live broadcast-on-demand service which broadcasts the digital video data stored in the digital video server along plural channels for live video on demand at the predetermined time; a broadcasting unit to transmit the live video program immediately along the one channel for full digital video on demand when said service switch determining unit determines to provide the live video program via the full-video-on-demand service and to broadcast the video program in the time period, the said service

switch determining unit determines to provide the video program in the live broadcast-video-on-demand service **[Col. 22 line 34 – Col. 23 line 5].**

Regarding Claim 14, the combined methods of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. In particular Imajima teaches of a system that comprises: receiving a program request from a subscriber; determining whether spare capacity exists on the video server to deliver the program requested to the subscriber in full screen video on demand; transmitting a requested digital video data, corresponding to the program, stored in the video server immediately to the subscriber along one channel for full screen video on demand when spare capacity exists on the video server of the subscriber; informing the subscriber of a viewing time for the program in live broadcast-on-demand when spare capacity does not exist on the video server of the subscriber, the viewing time included in plural viewing times separated by corresponding predetermined time intervals; determining if the subscriber agrees to receive the program at the viewing time in near video on demand when spare capacity does not exist on the video server of the subscriber; and broadcasting said requested video data stored in the video server along plural channels for near video on demand upon arrival of the viewing time when the subscriber agrees to receive the program in near video on demand at the viewing time **[Col. 23 line 6 – Col. 24 line 15].**

4. Claim 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt et al. (U.S. Patent No. 6,195,680) in view of Gladstone (U.S. Patent No. 4,914,505), in further view of Imajima et al. (U.S. Patent No. 6,211,901), in further view of Branstad et al. (U.S. Patent No. 5,533,021).

Regarding Claims 15-17 the combined systems of Goldszmidt, Gladstone, and Imajima disclose transmitting 3-Dimensional holographic multimedia over telecommunication lines. However they fail to explicitly teach that the digital video being transferred and stored onto its dedicated server is time and date stamped. And that the data format is byte form. In an analogous art, Brastad expresses the claimed limitations **[Col. 2 line 9-20].** Therefore it would have been obvious to include these well-known limitations in the combined systems of Goldszmidt, Gladstone, and Imajima.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Hannan (U.S. Patent No. 4,142,204).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahar A. Baig whose telephone number is 571-270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600